IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2529 OF 2007
AND
WRIT PETITION NO. 4818 OF 2007

Kishor Narayan Bhalerao ....Petitioner.
V/s
Sau. Ranjana Kishor Bhalerao & Ors..... ....Respondents

Mr.Shriram S. Kulkarni, Adv. For the petitioner.

Ms.Madhavi Dehspande, Adv. For respondent No.1.

CORAM: A.P.DESHPANDE, J.
2/8/07

PC:

These two writ petitions are filed by the husband whereas respondent No.1 is the wife and respondent Nos. 2 and 3 are sons. It is not in dispute that the respondent No.2 is aged about 22 years whereas respondent No.3 has also attained majority on completion of 18 years in February, 2007. An order passed by Family Court directing payment of interim alimony in the sum of Rs.3000/- to respondent No.1 and Rs.2000/- to respondent No.3 is challenged in writ petition No.2529/07. The Family Court declined to grant interim maintenance to respondent No.2 as he was a major. Strictly speaking even respondent No.3 is not entitled after February, 2007 to any maintenance. However having regard to the fact that respondent No.3 is undergoing training for the post of purser with Kingfisher Airlines the petitioner in all fairness agrees to pay and tenders cheque for payment of maintenance as directed by the Family Court for a period of six months. Besides this payment the petitioner No.3 will not be entitled to claim any maintenance. The

payment to respondent No.3 is made by cheque dated 2.8.07 drawn on IDBI for the sum of Rs.22000/-.

2. The petitioner has also handed over a cheque to respondent No.1 towards arrears of maintenance as directed by the Family Court in the sum of Rs.63,000/- vide cheque dated 3.8.07 drawn on IDBI bank. Perused the order passed by the Family Court. Same does not call for interference to the extent it relates to payment of maintenance to respondent No.1-wife. However the order to the extent it grants maintenance to respondent No.3 son is concerned the said order shall cease to operate as the petitioner has paid total sum of Rs.22000/- which covers maintenance not only till the date the respondent No.3 attained majority but for a period of six months over and above the same. Henceforth respondent No.3 shall have no right to claim any maintenance from the petitioner. Writ Petition No.2529/07 stands disposed of. So far as Writ Petition No.4818/07 is concerned it is yet again filed by the husband. By the impugned order therein the petitioner had been restrained from creating third party interest in plot of land situated at MIDC, Nashik until disposal of the suit. The impugned order had been passed as the respondent No.1 asked for creating charge on the said plot of land with a view to recover the amount of maintenance that may be passed in her favour. Perusal of the order granting interim maintenance itself reveals that respondent No.1 is not wholly dependent upon the petitioner. She has her own source of income and the income is reflected from the income tax return. Despite this the Family Court granted interim maintenance in the sum of Rs.3000/- and I have declined to interfere with the said order. Thus respondent No.1 will continue to receive amount of maintenance. The petitioner has cleared all the arrears of maintenance and he assures this Court that in future he shall continue to pay amount of maintenance regularly on or before 10th

day of every month and shall not be in arrears. The assurance is accepted. It is further brought o my notice that respondent No.1 wife is in occupation of duplex flat situated at Nashik and the petitioner is presently residing at the factory premises. Learned counsel for the petitioner submits that no restrictions need to be imposed on the petitioner in regard to his business and submits that the amount of maintenance stands squarely secured in view of the fact that respondent No.1 is in possession of duplex flat and as such there is no need for the interim order dated l26.4.07 to hold the field. In the result impugned order dated 26.4.07 to the extent it restrains the petitioner from creating third party interest in the plot stands vacated as the same would unnecessarily pose problems to the petitioner in planning of his business as he proposes diversification and expansion and intents to shift his business from the existing place to some other place. Hence writ petition No.4818/07 is allowed. Impugned order is quashed and set aside. Both the learned advocates appearing for respective parties have submitted that a mediator need to be appointed to resolve the dispute pending in the Family Court. Hence I request the District Judge, Nashik to appoint an advocate from the Bar of Nashik to act as mediator. The District Judge shall seek an expeditious mediation in the matter and direct the mediator to file his report in the trial Court within a period of six weeks from the date of appointment of mediator. Both the writ petitions stand disposed of accordingly.

2.8.07